

REMARKS

- Claims **95-111** are pending
- Claims **95, 96, and 98-111** are allowed
- Claim **97** is rejected

A. Claims 95, 96, and 98-111 Are Allowable

We are grateful for the Examiner's acknowledgement that Claims 95, 96, and 98-111 are allowable.

B. Section 112(1) Rejection of Claim 97

Claim 97 stands rejected under Section 112, first paragraph, as failing to comply with the written description requirement. [Office Action, page 2]. We respectfully traverse this rejection.

The Examiner asserts that Claim 97 encompasses subject matter "beyond what is described in the original disclosure, which only allows the range of flexibility to involve departure times and dates, seat selections, origination and destination airports and meals (See original specification at page 2, and pages 17-18). Accordingly, the subject matter of claim 97 is new matter." [Office Action, page 2]. We traverse these assertions that Claim 97 includes new matter and that the original disclosure is limited in the manner alleged by the Examiner.

Claim 97 is supported by disclosure in originally-filed claims. Claim 97 recites: *The method of claim 95, in which the information about the first flexibility indicates a preferred travel product.* For example, originally-filed Claim 6 recites: "The method of claim 1, wherein said flexibility range is specified in terms of a preferred travel product and a set of tolerances for at least one variable component of said travel product." [Specification, page 19, lines 23-25 (emphasis added).] Originally-filed Claim 13 recites: "The method of claim 1, wherein said identifying step identifies a travel product other than a preferred travel product identified by said customer." [Specification, page 20, lines 16-17 (emphasis added).]

Various other portions of the original disclosure describe how information about a customer's flexibility may comprise indication(s) of a preferred travel product. For example, FIG. 7 ("PLEASE PROVIDE US WITH YOUR IDEAL TRAVEL ARRANGEMENTS...") and accompanying text depicts one example of how a customer may indicate a preferred travel product. "In the illustrative

implementation discussed in conjunction with FIG. 7, the traveler's flexibilities are specified in terms of a preferred or target selection for each variable component..." [Specification, page 13, lines 14-16 (emphasis added)]. "In one variation, the customized restrictions may be further filtered to ensure that the traveler does not receive the requested target or preferred travel product at a discount." [Specification, page 15, lines 2-4].

The Examiner does not address any of the explicit references in the original disclosure to a customer indicating or information about flexibility indicating a "preferred travel product." Applicants were clearly in possession of the claimed subject matter of Claim 97 at the time the application was filed—information about flexibility may indicate a preferred travel product.

The Examiner has thus failed to establish a prima facie case of lack of written description for Claim 97. We respectfully request that the Section 112(1) rejection of Claim 97 be withdrawn.

C. Response to Arguments

In the rejection of Claim 97, the Examiner's interpretation of the cited portions of the Specification is incorrect. Nothing at page 2 or pages 17-18 or otherwise in the disclosure limits the "range of flexibility" to involving only the factors indicated by the Examiner. [See Specification, page 16, lines 25-27 ("FIG. 7 illustrates an exemplary graphical user interface (GUI) 700 in accordance with an embodiment of the present invention for receiving a request to purchase a discounted travel product according to a specified degree of flexibility.") (emphasis added)]. To the contrary, the Specification clearly allows for other factors, and the factors indicated by the Examiner are exemplary, not limiting: "According to one feature of the present invention, each travel product is evaluated in terms of one or more variable components. A variable component is any portion of a travel product having a range of possible options. For example, for an airline ticket, the variable components may be the times and dates of departure or arrival, origination and destination airports, number of stops and seat position (location assignment)." [page 6, lines 12-16 (emphasis added)]. Further as indicated above, Applicants were clearly in possession of the claimed subject matter of Claim 97 at the time the application was filed.

D. Authorization to Charge Appropriate Fees & Petition for Extension of Time to Respond

We do not believe that any fees are necessary for this response.

Please grant a petition for any extension of time required to make this Response timely.

If necessary, please charge any appropriate fees necessary per the following information:

Deposit Account: 50-0271

Order No.: 99-055

Please credit any overpayment to the same account.

A duplicate copy of this authorization is enclosed for such purposes.

E. Conclusion

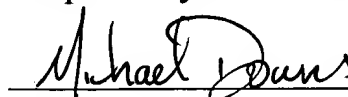
It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

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Date

Respectfully submitted,



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